



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noritsugu Yamasaki et al.

Art Unit : 1625

Serial No. : 09/869,101

Examiner : Laura L. Stockton

Filed : June 22, 2001

Title : BENZIMIDAZOLE DERIVATIVES

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO ACTION OF DECEMBER 24, 2003

In reply to the Office Action of December 24, 2003, Applicants submit the following remarks.

Claims 1-6 are pending in the application.

Claims 1-6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,420,409. Applicants submit herewith a terminal disclaimer under 37 C.F.R. § 3.73(b) and 1.321(b) and respectfully request that the rejection be withdrawn.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 23, 2004  
Date of Deposit

Denise A. Rose  
Signature

Denise A. Rose  
Typed or Printed Name of Person Signing Certificate

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Page : 2 of 2

Attorney's Docket No.: 14878-082001 / D1-006PCT-  
US

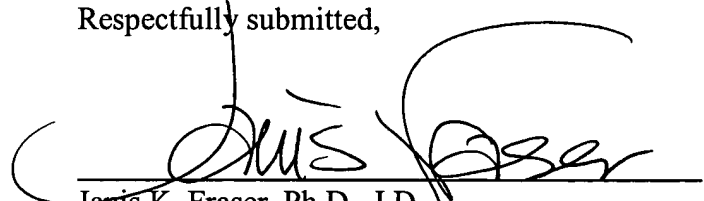
Applicants submit that claims 1-6 are in condition for allowance.

Enclosed are a \$950 check for the Three-Month Petition for Extension of Time fee and a \$110 check for the Terminal Disclaimer fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket Number 14878-082001.

Respectfully submitted,

Date:

June 23, 2004

  
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